



General Assembly

January Session, 2013

Amendment

LCO No. 6767

HB0659006767HDO

Offered by:

REP. JOHNSON, 49th Dist.

SEN. GERRATANA, 6th Dist.

To: Subst. House Bill No. 6590

File No. 577

Cal. No. 363

"AN ACT CONCERNING LICENSING OF TATTOO TECHNICIANS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2013*) As used in this section
4 and sections 2 to 6, inclusive, of this act and subsection (c) of section
5 19a-14 of the general statutes, as amended by this act:

6 (1) "Commissioner" means the Commissioner of Public Health.

7 (2) "Department" means the Department of Public Health.

8 (3) "Tattooing" means marking or coloring, in an indelible manner,
9 the skin of any person by pricking in coloring matter or by producing
10 scars.

11 (4) "Tattoo technician" means a person who is licensed under the
12 provisions of section 2 of this act.

13 (5) "Student tattoo technician" means a person studying tattooing
14 who is registered with the department pursuant to section 2 of this act.

15 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) On and after July 1, 2014,
16 no person shall engage in the practice of tattooing unless the person is
17 eighteen years of age or older and has obtained a license or temporary
18 permit from the Department of Public Health pursuant to this section.

19 (b) (1) Each person seeking licensure as a tattoo technician on or
20 before July 1, 2014, shall make application on a form prescribed by the
21 department, pay an application fee of two hundred fifty dollars and
22 present to the department satisfactory evidence that the applicant: (A)
23 Is eighteen years of age or older; (B) has successfully completed, within
24 the three years preceding the date of application, a course on
25 prevention of disease transmission and blood-borne pathogens that
26 complies with the standards adopted by the federal Occupational
27 Safety and Health Administration, as described in 29 CFR 1910.1030 et
28 seq., as amended from time to time, and that requires the successful
29 completion of a proficiency examination as part of such course; and (C)
30 holds current certification by the American Red Cross or the American
31 Heart Association in basic first aid.

32 (2) Each person seeking licensure as a tattoo technician after July 1,
33 2014, shall, in addition to satisfying the requirements of subdivision (1)
34 of this subsection, provide documentation to the department, in the
35 form and manner required by the commissioner, of having (i)
36 completed not less than two thousand hours of practical training and
37 experience under the personal supervision and instruction of a tattoo
38 technician, or (ii) practiced tattooing continuously in this state for a
39 period of not less than five years prior to July 1, 2014.

40 (c) Licenses issued under this section shall be subject to renewal
41 once every two years. A license to practice tattooing shall be renewed
42 in accordance with the provisions of section 19a-88 of the general
43 statutes, as amended by this act, for a fee of two hundred dollars. A
44 licensee applying for license renewal shall, as a condition of license

45 renewal, successfully complete a course on prevention of disease
46 transmission and blood-borne pathogens that complies with the
47 standards adopted by the federal Occupational Safety and Health
48 Administration, as described in 29 CFR 1910.1030 et seq., as amended
49 from time to time, and that requires the successful completion of a
50 proficiency examination as part of such course. Each licensee applying
51 for license renewal shall sign a statement attesting that the licensee has
52 successfully completed such education course within the six months
53 preceding the expiration of the license on a form prescribed by the
54 Commissioner of Public Health. Each licensee shall retain certificates
55 of completion that demonstrate compliance with the requirement for a
56 minimum of four years after the year in which the course was
57 completed and shall submit such certificates to the department for
58 inspection not later than forty-five days after a request by the
59 department for such certificates.

60 (d) The provisions of this section shall not apply to a physician, an
61 advanced practice registered nurse rendering service in collaboration
62 with a physician, a registered nurse executing the medical regimen
63 under the direction of a licensed physician, dentist or advanced
64 practice registered nurse, or a physician assistant rendering service
65 under the supervision, control and responsibility of a physician.

66 (e) No person shall use the title "tattoo technician", "tattoo artist",
67 "tattooist" or other similar titles unless the person holds a license
68 issued in accordance with this section.

69 (f) Notwithstanding the provisions of subsection (a) of this section, a
70 person may practice tattooing if such person has obtained a license or
71 temporary permit pursuant to this subsection.

72 (1) The department may grant licensure to any person who is
73 licensed at the time of application as a tattoo technician, or as a person
74 entitled to perform similar services under a different designation, in
75 another state of the United States, the District of Columbia or a
76 commonwealth or territory subject to the laws of the United States and

77 who submits evidence satisfactory to the department of (A) a current
78 license in good standing to practice tattooing from such other state,
79 commonwealth or territory, (B) documentation of licensed practice in
80 such state, commonwealth or territory for a period of at least two years
81 immediately preceding application, (C) successful completion of a
82 course on prevention of disease transmission and blood-borne
83 pathogens that complies with the standards adopted by the federal
84 Occupational Safety and Health Administration, as described in 29
85 CFR 1910.1030 et seq., as amended from time to time, and (D) current
86 certification by the American Red Cross or the American Heart
87 Association in basic first aid. Pending approval of the application for
88 licensure, the commissioner may issue a temporary permit to such
89 applicant upon receipt of a completed application form, accompanied
90 by the fee for licensure, a copy of a current license from such other
91 state, commonwealth or territory and a notarized affidavit attesting
92 that the license is valid and belongs to the person requesting
93 notarization. Such temporary permit shall be valid for a period not to
94 exceed one hundred twenty calendar days and shall not be renewable.

95 (2) The commissioner may issue a temporary permit to an applicant
96 previously licensed in Connecticut whose license has become void
97 pursuant to section 19a-88 of the general statutes, as amended by this
98 act. Such applicant for a temporary permit shall submit to the
99 department a completed application form accompanied by a fee of one
100 hundred dollars, a copy of a current license in good standing from
101 another state and a notarized affidavit attesting that such license is
102 valid and belongs to the person requesting notarization. A temporary
103 permit for an applicant previously licensed in Connecticut whose
104 license has become void pursuant to section 19a-88 of the general
105 statutes, as amended by this act, shall be valid for a period not to
106 exceed one hundred twenty calendar days and shall not be renewable.

107 (3) The commissioner may issue a temporary permit to a person
108 licensed or certified to practice tattooing in another state,
109 commonwealth or territory for the purpose of attending an educational
110 event, trade show in the state or participating in a product

111 demonstration in the state. Such applicant for a temporary permit shall
112 submit to the department, forty-five business days in advance of the
113 date of such event, show or demonstration, a completed application
114 form accompanied by a fee of one hundred dollars. Such applicant for
115 a temporary permit shall additionally submit a copy of a current
116 license or certification to practice tattooing from another state of the
117 United States, the District of Columbia or a commonwealth or territory
118 subject to the laws of the United States and a notarized affidavit
119 attesting that the license or certification is valid and belongs to the
120 person requesting notarization. A temporary permit issued in
121 accordance with this subparagraph shall be valid for a period not to
122 exceed fourteen consecutive calendar days, shall not be renewable and
123 a temporary permit for such applicant shall not be issued more than
124 once in any calendar year.

125 (g) Notwithstanding the provisions of subsection (a) of this section,
126 a student tattoo technician may practice tattooing under the personal
127 supervision of a tattoo technician for a period not to exceed two years.
128 A student tattoo technician shall register with the department for
129 purposes of completing the practical training and experience required
130 to obtain a license pursuant to this section. An application for
131 registration shall be submitted to the department on a form prescribed
132 by the commissioner and shall be accompanied by documentation that
133 the applicant (1) has successfully completed a course on prevention of
134 disease transmission and blood-borne pathogens that complies with
135 the standards adopted by the federal Occupational Safety and Health
136 Administration, as described in 29 CFR 1910.1030 et seq., as amended
137 from time to time, and that requires the successful completion of a
138 proficiency examination as part of such course, and (2) holds current
139 certification by the American Red Cross or the American Heart
140 Association in basic first aid. Such application shall include a notarized
141 statement signed by a tattoo technician providing that such licensee
142 acknowledges having responsibility for personally supervising the
143 applicant's practical training and experience in tattooing.

144 (h) No license or temporary permit shall be issued under this section

145 to any applicant against whom professional disciplinary action is
146 pending or who is the subject of an unresolved complaint in any state
147 or jurisdiction.

148 (i) The Commissioner of Public Health may, in accordance with
149 chapter 54 of the general statutes, adopt such regulations as are
150 necessary to implement the provisions of sections 1 to 5, inclusive, of
151 this act.

152 Sec. 3. (NEW) (*Effective October 1, 2013*) On and after July 1, 2014, no
153 person shall: (1) Buy, sell or fraudulently obtain or furnish any
154 diploma, certificate, license, record or registration purporting to show
155 that any person is qualified or authorized to practice tattooing, as
156 provided in section 2 of this act, or participate in buying, selling,
157 fraudulently obtaining or furnishing any such document; (2) practice
158 or attempt or offer to practice tattooing under cover of any diploma,
159 certificate, license, record or registration illegally or fraudulently
160 obtained or signed, or issued unlawfully or under fraudulent
161 representation or mistake of fact in a material regard; (3) practice or
162 attempt or offer to practice tattooing under a name other than such
163 person's own name or under a false or assumed name; (4) aid or abet
164 practice by a person not lawfully licensed to practice tattooing within
165 this state or by a person whose license to practice has been suspended
166 or revoked; (5) use in such person's advertising the word "tattoo",
167 "tattooing" or any description of services involving marking or
168 coloring, in an indelible manner, the skin of any person, without
169 having obtained a license under the provisions of section 2 of this act;
170 or (6) practice tattooing on a person who is an unemancipated minor
171 under eighteen years of age without the permission of such person's
172 parent or guardian. No person shall, during the time such person's
173 license as a tattoo technician is revoked or suspended, practice or
174 attempt or offer or advertise to practice tattooing or be employed by,
175 work with or assist, in any way, any person licensed to practice
176 tattooing. Any person who violates any provision of this section shall
177 be guilty of a class D misdemeanor.

178 Sec. 4. (NEW) (*Effective October 1, 2013*) The Department of Public
179 Health may take any action set forth in section 19a-17 of the general
180 statutes if a person issued a license as a tattoo technician pursuant to
181 section 2 of this act fails to conform to the accepted standards of the
182 tattoo profession, violates any provision of this section or section 2 or 3
183 of this act and regulations adopted in accordance with section 6 of this
184 act or for any of the following reasons: (1) Conviction of a felony; (2)
185 fraud and deceit in the practice of tattooing; (3) negligent, incompetent
186 or wrongful conduct in professional activities; (4) emotional disorder
187 or mental illness; (5) physical illness or impairment; (6) abuse or
188 excessive use of drugs, including alcohol, narcotics or chemicals; and
189 (7) wilful falsification of entries into any client record pertaining to
190 tattooing. The Commissioner of Public Health may order a tattoo
191 technician to submit to a reasonable physical or mental examination if
192 such tattoo technician's physical or mental capacity to practice safely is
193 the subject of an investigation. The commissioner may petition the
194 superior court for the judicial district of Hartford to enforce such order
195 or any action taken pursuant to section 19a-17 of the general statutes.
196 Notice of any contemplated action under section 19a-17 of the general
197 statutes, the cause of the action and the date of a hearing on the action
198 shall be given to the licensee and an opportunity for hearing afforded
199 in accordance with the provisions of chapter 54 of the general statutes.

200 Sec. 5. (NEW) (*Effective October 1, 2013*) The Commissioner of Public
201 Health shall carry out the commissioner's responsibilities with respect
202 to enforcement of the provisions of sections 2 to 4, inclusive, of this act
203 within available appropriations.

204 Sec. 6. (NEW) (*Effective October 1, 2013*) The director of health for
205 any town, city, borough or district department of health, or the
206 director's authorized representative, may inspect any establishment
207 where tattooing is practiced within the director's jurisdiction regarding
208 the establishment's sanitary condition. The director of health, or the
209 director's authorized representative, shall have full power to enter and
210 inspect any such tattoo establishment during usual business hours. If
211 any establishment, upon such inspection, is found to be in an

212 unsanitary condition, the director of health shall make written order
213 that such establishment be placed in a sanitary condition. The director
214 of health may collect from the operator of any such establishment a
215 reasonable fee, not to exceed one hundred dollars, for the cost of
216 conducting an inspection of such establishment pursuant to this
217 section. Notwithstanding any municipal charter, home rule ordinance
218 or special act, any fee collected by the director of health pursuant to
219 this section shall be used by the town, city, borough or district
220 department of health for conducting inspections pursuant to this
221 section.

222 Sec. 7. Subsection (c) of section 19a-14 of the general statutes is
223 repealed and the following is substituted in lieu thereof (*Effective*
224 *October 1, 2013*):

225 (c) No board shall exist for the following professions that are
226 licensed or otherwise regulated by the Department of Public Health:

- 227 (1) Speech and language pathologist and audiologist;
- 228 (2) Hearing instrument specialist;
- 229 (3) Nursing home administrator;
- 230 (4) Sanitarian;
- 231 (5) Subsurface sewage system installer or cleaner;
- 232 (6) Marital and family therapist;
- 233 (7) Nurse-midwife;
- 234 (8) Licensed clinical social worker;
- 235 (9) Respiratory care practitioner;
- 236 (10) Asbestos contractor and asbestos consultant;
- 237 (11) Massage therapist;

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- 238 (12) Registered nurse's aide;
- 239 (13) Radiographer;
- 240 (14) Dental hygienist;
- 241 (15) Dietitian-Nutritionist;
- 242 (16) Asbestos abatement worker;
- 243 (17) Asbestos abatement site supervisor;
- 244 (18) Licensed or certified alcohol and drug counselor;
- 245 (19) Professional counselor;
- 246 (20) Acupuncturist;
- 247 (21) Occupational therapist and occupational therapist assistant;
- 248 (22) Lead abatement contractor, lead consultant contractor, lead
- 249 consultant, lead abatement supervisor, lead abatement worker,
- 250 inspector and planner-project designer;
- 251 (23) Emergency medical technician, advanced emergency medical
- 252 technician, emergency medical responder and emergency medical
- 253 services instructor;
- 254 (24) Paramedic;
- 255 (25) Athletic trainer;
- 256 (26) Perfusionist;
- 257 (27) Master social worker subject to the provisions of section 20-
- 258 195v; [and]
- 259 (28) On and after July 1, 2011, a radiologist assistant, subject to the
- 260 provisions of section 20-74tt; and
- 261 (29) Tattoo technician.

262 The department shall assume all powers and duties normally vested
263 with a board in administering regulatory jurisdiction over such
264 professions. The uniform provisions of this chapter and chapters 368v,
265 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
266 and 400c, including, but not limited to, standards for entry and
267 renewal; grounds for professional discipline; receiving and processing
268 complaints; and disciplinary sanctions, shall apply, except as otherwise
269 provided by law, to the professions listed in this subsection.

270 Sec. 8. Subsection (b) of section 20-9 of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective July*
272 *1, 2014*):

273 (b) The provisions of this chapter shall not apply to:

274 (1) Dentists while practicing dentistry only;

275 (2) Any person in the employ of the United States government while
276 acting in the scope of his employment;

277 (3) Any person who furnishes medical or surgical assistance in cases
278 of sudden emergency;

279 (4) Any person residing out of this state who is employed to come
280 into this state to render temporary assistance to or consult with any
281 physician or surgeon who has been licensed in conformity with the
282 provisions of this chapter;

283 (5) Any physician or surgeon residing out of this state who holds a
284 current license in good standing in another state and who is employed
285 to come into this state to treat, operate or prescribe for any injury,
286 deformity, ailment or disease from which the person who employed
287 such physician, or the person on behalf of whom such physician is
288 employed, is suffering at the time when such nonresident physician or
289 surgeon is so employed, provided such physician or surgeon may
290 practice in this state without a Connecticut license for a period not to
291 exceed thirty consecutive days;

292 (6) Any person rendering service as (A) an advanced practice
293 registered nurse if such service is rendered in collaboration with a
294 licensed physician, or (B) an advanced practice registered nurse
295 maintaining classification from the American Association of Nurse
296 Anesthetists if such service is under the direction of a licensed
297 physician;

298 (7) Any nurse-midwife practicing nurse-midwifery in accordance
299 with the provisions of chapter 377;

300 (8) Any podiatrist licensed in accordance with the provisions of
301 chapter 375;

302 (9) Any Christian Science practitioner who does not use or prescribe
303 in his practice any drugs, poisons, medicines, chemicals, nostrums or
304 surgery;

305 (10) Any person licensed to practice any of the healing arts named
306 in section 20-1, who does not use or prescribe in his practice any drugs,
307 medicines, poisons, chemicals, nostrums or surgery;

308 (11) Any graduate of any school or institution giving instruction in
309 the healing arts who has been issued a permit in accordance with
310 subsection (a) of section 20-11a and who is serving as an intern,
311 resident or medical officer candidate in a hospital;

312 (12) Any student participating in a clinical clerkship program who
313 has the qualifications specified in subsection (b) of section 20-11a;

314 (13) Any person, otherwise qualified to practice medicine in this
315 state except that he is a graduate of a medical school located outside of
316 the United States or the Dominion of Canada which school is
317 recognized by the American Medical Association or the World Health
318 Organization, to whom the Connecticut Medical Examining Board,
319 subject to such regulations as the Commissioner of Public Health, with
320 advice and assistance from the board, prescribes, has issued a permit
321 to serve as an intern or resident in a hospital in this state for the

322 purpose of extending his education;

323 (14) Any person rendering service as a physician assistant licensed
324 pursuant to section 20-12b, a registered nurse, a licensed practical
325 nurse or a paramedic, as defined in subdivision (15) of section 19a-175,
326 acting within the scope of regulations adopted pursuant to section 19a-
327 179, if such service is rendered under the supervision, control and
328 responsibility of a licensed physician;

329 (15) Any student enrolled in an accredited physician assistant
330 program or paramedic program approved in accordance with
331 regulations adopted pursuant to section 19a-179, who is performing
332 such work as is incidental to his course of study;

333 (16) Any person who, on June 1, 1993, has worked continuously in
334 this state since 1979 performing diagnostic radiology services and who,
335 as of October 31, 1997, continued to render such services under the
336 supervision, control and responsibility of a licensed physician solely
337 within the setting where such person was employed on June 1, 1993;

338 (17) Any person practicing athletic training, as defined in section 20-
339 65f;

340 (18) When deemed by the Connecticut Medical Examining Board to
341 be in the public's interest, based on such considerations as academic
342 attainments, specialty board certification and years of experience, to a
343 foreign physician or surgeon whose professional activities shall be
344 confined within the confines of a recognized medical school;

345 (19) Any technician engaging in tattooing in accordance with the
346 provisions of section [19a-92a] section 1 or 2 of this act and any
347 regulations adopted thereunder;

348 (20) Any person practicing perfusion, as defined in section 20-162aa;
349 or

350 (21) Any foreign physician or surgeon (A) participating in
351 supervised clinical training under the direct supervision and control of

352 a physician or surgeon licensed in accordance with the provisions of
353 this chapter, and (B) whose professional activities are confined to a
354 licensed hospital that has a residency program accredited by the
355 Accreditation Council for Graduate Medical Education or that is a
356 primary affiliated teaching hospital of a medical school accredited by
357 the Liaison Committee on Medical Education. Such hospital shall
358 verify that the foreign physician or surgeon holds a current valid
359 license in another country.

360 Sec. 9. Subsection (e) of section 19a-88 of the general statutes is
361 repealed and the following is substituted in lieu thereof (*Effective*
362 *October 1, 2013*):

363 (e) (1) Each person holding a license or certificate issued under
364 section 19a-514, 20-65k, 20-74s, 20-195cc or 20-206ll and chapters 370 to
365 373, inclusive, 375, 378 to 381a, inclusive, 383 to 383c, inclusive, 384,
366 384b, 384d, 385, 393a, 395, 399 or 400a and section 20-206n or 20-206o
367 shall, annually, during the month of such person's birth, apply for
368 renewal of such license or certificate to the Department of Public
369 Health, giving such person's name in full, such person's residence and
370 business address and such other information as the department
371 requests.

372 (2) Each person holding a license or certificate issued under section
373 19a-514, section 2 of this act and chapters 384a, 384c, 386, 387, 388 and
374 398 shall apply for renewal of such license or certificate once every two
375 years, during the month of such person's birth, giving such person's
376 name in full, such person's residence and business address and such
377 other information as the department requests.

378 (3) Each person holding a license or certificate issued pursuant to
379 section 20-475 or 20-476 shall, annually, during the month of such
380 person's birth, apply for renewal of such license or certificate to the
381 department.

382 (4) Each entity holding a license issued pursuant to section 20-475
383 shall, annually, during the anniversary month of initial licensure,

384 apply for renewal of such license or certificate to the department.

385 (5) Each person holding a license issued pursuant to section 20-
 386 162bb shall, annually, during the month of such person's birth, apply
 387 for renewal of such license to the Department of Public Health, upon
 388 payment of a fee of three hundred fifteen dollars, giving such person's
 389 name in full, such person's residence and business address and such
 390 other information as the department requests.

391 Sec. 10. Section 19a-92a of the general statutes is repealed. (*Effective*
 392 *July 1, 2014*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	New section
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>October 1, 2013</i>	19a-14(c)
Sec. 8	<i>July 1, 2014</i>	20-9(b)
Sec. 9	<i>October 1, 2013</i>	19a-88(e)
Sec. 10	<i>July 1, 2014</i>	Repealer section